

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

ORIGINAL

U.S. DISTRICT COURT
CASPER, WYOMING 82601

AUG 10 2007 3:30pm

Stephan Harris, Clerk
Casper

DEFENDANTS {} TIMBERLINE PRODUCTION COMPANY INC.
PLATTE RIVER RESTAUNT
DON WALTERS
BRUCE BUMMER

07 CV 176 D

PLAINTIFF: {} DAVID C. FORNEY

A MOTION IS HEREBY MADE, THIS DATE: 8/10/07, THAT THIS SUIT BE ENTERED INTO THE FEDERAL COURT TO BE HEARD BY A FEDERAL JUDGE.

SAID SUIT IS IN REFERENCE TO THE "AMERICANS WITH DISABILITIES ACT."

PLAINTIFF: DAVID C. FORNEY WAS HIRED, IN JULY 2007, BY THE BUSINESS LOCATED AT 321 EAST "E" STREET IN CASPER WYOMING. OWNED & OPERATED BY THE PLAINTIFFS LISTED.

- Timberline productions company inc.
- Platte river restaurant
- Don Walters
- Bruce Bummer

TRACIE WAS THE MANAGER WHO PROCESSED ALL HIRING PAPERWORK & SHE WAS NOTIFIED THAT I HAVE "OBSTRUCTIVE SLEEP APNEA" DURING THIS MEETING AS I STATED SO TO HER & DISCUSSED IT TWO OR THREE TIMES WITH HER.

Two individuals managing the restraint claim to be owners. Their names are Larry & Shelly.

THE AMERICAN'S WITH DISABILITIES ACT SPECIFICALLY REQUIRES THAT EMPLOYERS DO NOT DISCRIMINATE AGAINST "QUALIFIED INDIVIDUALS WITH DISABILITIES IN JOB APPLICATIONS PROCEDURES, HIRING, FIRING, ADVANCEMENT, COMPENSATION, JOB TRAINING, & OTHER TERMS, CONDITIONS, & PRIVILEGES OF EMPLOYMENT."

Receipt # waiting if
Summons: 4 issued
_____ not issued

DURING THE SHORT TIME I WAS EMPLOYED WITH THIS COMPANY I BECAME AWARE THAT THEY ARE REFUSING TO GIVE WORKERS BREAKS. HOWEVER THE SMOKING MANAGERS ALLOW MANY SHORT "SMOKE" BREAKS FOR WORKERS WHO SMOKE EVEN THOUGH THEIR POLICIES STATE NO BREAKS EXCEPT A 30 MINUTE BREAK AFTER CLOCKING OUT & THEN ONLY WITH THEIR PERMISSION. IN SOME CASES NO BREAKS AT ALL. IN OTHER CASES NOT UNTIL 4-7 HOURS HAVE BEEN WORKED. WHICH IS VERY DIFFICULT FOR PEOPLE WITH DISABILITIES & IS NOT WITHIN NORMAL PROCEDURES FOR OTHER SIMILAR TYPE OF BUSINESSES.

WHEN ATTEMPTING TO GET THEM TO GIVE ME BREAKS ON SEVERAL OCCASIONS, TWO VERBALLY ESCALATED INCIDENTS HAPPENED BETWEEN MY SELF & ONE OF THEIR MANAGERS KNOWN TO WORKERS AS "STEVE."

ON 8/9/7 AFTER WORKING FOUR HOURS, & AFTER ALL OF MY AREA WORK WAS CAUGHT UP I ASKED THE DUTY MANAGER IF I COULD TAKE A BREAK. STEVEN REFUSED TO LET ME TAKE A BREAK. I THEN NOTIFIED HIM THAT I WAS GOING TO TAKE A BREAK. HE STATED TO ME THAT I HAD JUST QUIT. I TOLD HIM THAT I HAD NOT QUIT & ASKED HIM IF HE WAS FIRING ME. HE REFUSED TO ANSWER THE QUESTION & THEN ORDERED ME OUT OF THE RESTAURANT & THREATENED TO CALL THE POLICE IF I DID NOT LEAVE.

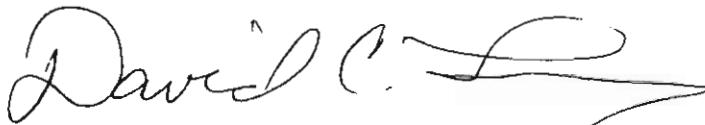
AS I WAS WALKING TO THE COMPUTER TERMINAL TO CLOCK OUT STEVEN SHOUTED OUT LOUD THAT I WAS A "USELESS MOTHER FUCKER." THERE WERE OTHER EMPLOYEES IN THE AREA & THERE WERE CUSTOMERS AT THE ESTABLISHMENT EATING.

ON THE PREVIOUS SATURDAY I WALKED AROUND THE COUNTER FROM THE COOKS LINE TO GET A DRINK, AFTER WORKING SEVERAL HOURS WITHOUT A BREAK WHEN STEVEN AGAIN CHASTISED ME VERBALLY OUT LOUD WHERE OTHER EMPLOYEES & CUSTOMERS COULD HEAR THE CONVERSATION JUST FOR GETTING SOMETHING TO DRINK. THE DRINKS ARE FREE FOR WORKERS & PRIOR PAYMENT IS NOT REQUIRED.

DAMAGES & REMEDIES

- **SUING FOR \$750,000.00 IN PUNITIVE & OTHER DAMAGES.**
- **DEFAMATION OF CHARACTER BY MANAGERS PUBLIC STATEMENT OF "USELESS MOTHER FUCKER."**
- **TO BE GIVEN MY JOB BACK WITHOUT FURTHER HARASSMENT OVER BREAKS FOR DISABLED NEEDS. TO BE PAID ALL WAGES LOST DUE TO THIS UNNECESSARY OUTBURSTS OF HARASSMENT BY A MANAGER & VERBAL ABUSE BY A MANAGER.**

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "David Clark Forney", with a long horizontal flourish extending to the right.

**DAVID CLARK FORNEY
256 EAST "F" STREET
CASPER, WY. 82601
307-251-2877**

A second handwritten signature in black ink, appearing to read "David Clark Forney", with a large, stylized loop at the end.

**U.S. DISTRICT COURT
CASPER, WYOMING 82601**

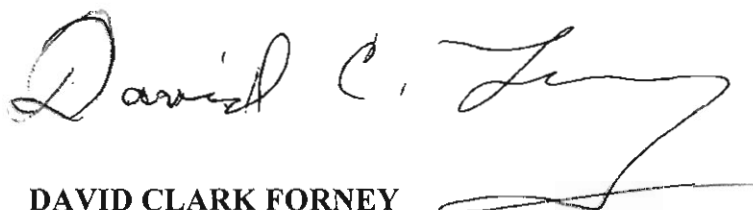
**DEFENDANTS }}}}}}}}}}}}}}}}}}}}} TIMBERLINE PRODUCTION COMPANY INC.
PLATTE RIVER RESTAUNT
DON WALTERS
BRUCE BUMMER**

PLAINTIFF: }}}}}}}}}}}}}}}}}}}}} DAVID C. FORNEY

CERTIFICATE OF MAILING

**I HERE BY CERTIFY THAT I HAVE MAILED COPIES OF THIS SUIT TO ALL
DEFENDANTS THIS DATE.**

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "David C. Forney", with a long horizontal flourish extending to the right.

**DAVID CLARK FORNEY
256 EAST "F" STREET
CASPER, WY. 82601**